

2SHB 1037 - H AMD 756

By Representative Shea

NOT ADOPTED 02/16/2016

1 On page 20, beginning after line 35, strike all material through
2 "(" on page 21, at the beginning of line 9 and insert the following:

3 "~~((d) **Residential schedule.** The court may deviate from the~~
4 ~~standard calculation if the child spends a significant amount of time~~
5 ~~with the parent who is obligated to make a support transfer payment.~~
6 ~~The court may not deviate on that basis if the deviation will result~~
7 ~~in insufficient funds in the household receiving the support to meet~~
8 ~~the basic needs of the child or if the child is receiving temporary~~
9 ~~assistance for needy families. When determining the amount of the~~
10 ~~deviation, the court shall consider evidence concerning the increased~~
11 ~~expenses to a parent making support transfer payments resulting from~~
12 ~~the significant amount of time spent with that parent and shall~~
13 ~~consider the decreased expenses, if any, to the party receiving the~~
14 ~~support resulting from the significant amount of time the child spends~~
15 ~~with the parent making the support transfer payment."~~

16
17 On page 23, after line 27, insert the following:

18 "NEW SECTION. **Sec. 7.** A new section is added to chapter 26.19
19 RCW to read as follows:

20 (1) The court shall make an adjustment to the standard calculation
21 for a shared residential schedule subject to the provisions in this
22 section.

23 (2) An adjustment to the standard calculation based on the
24 residential schedule may be made if there is a court order or findings
25 made by an administrative law judge regarding the number of overnights
26 the child or children spend with the obligor parent, and the number of
27 overnights allocated to the obligor is equivalent to at least fourteen

1 percent of annual overnights. The number of overnights in the court
2 order or administrative law judge's findings must be used to calculate
3 the residential adjustment. The findings made by an administrative
4 law judge may be based upon a written agreement between the parents or
5 upon sworn testimony provided by a party at the administrative hearing
6 for child support.

7 (3) The adjustment must be based on the table in section 8 of this
8 act and the formula set forth in the worksheet for calculating
9 residential credit.

10 (4) An adjustment may not be made to the standard calculation
11 based on the shared residential schedule if:

12 (a) The adjustment would result in insufficient funds in the
13 household receiving the support transfer payment to meet the basic
14 needs of the child;

15 (b) The obligee's net income before receiving the support transfer
16 payment is at or below one hundred twenty-five percent of the federal
17 poverty level guidelines for one person; or

18 (c) The child is receiving temporary assistance for needy
19 families.

20 (5) To help parties estimate residential credit, the division of
21 child support shall, if feasible and within available resources,
22 create a residential credit calculator available online.

23

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.19 RCW
25 to read as follows:

26 Residential time table. The TOTAL column represents the
27 anticipated total out-of-pocket expenses expressed as a percentage of
28 the basic child support obligation that will be incurred by the parent
29 who will pay child support. The total expenses are the sum of
30 transferred and duplicated expenses. The DUPLICATED column represents
31 the duplicated expenses and reflects the assumption that when there is
32 an equal sharing of residential time, fifty percent of the basic child
33 support obligation will be duplicated. The number of annual

34

1 overnights column will determine the particular fractions of TOTAL and
2 DUPLICATED to be used in the residential time credit worksheet.

3

4

ANNUAL OVERNIGHTS

5

FROM TO TOTAL DUPLICATED

6

1 51 0.000 0.000

7

52 55 0.062 0.011

8

56 60 0.070 0.014

9

61 65 0.080 0.020

10

66 70 0.093 0.028

11

71 75 0.108 0.038

12

76 80 0.127 0.052

13

81 85 0.150 0.070

14

86 90 0.178 0.093

15

91 95 0.211 0.122

16

96 100 0.250 0.156

17

101 105 0.294 0.195

18

106 110 0.341 0.237

19

111 115 0.388 0.280

20

116 120 0.434 0.321

21

121 125 0.476 0.358

22

126 130 0.513 0.390

23

131 135 0.544 0.417

24

136 140 0.570 0.438

25

141 145 0.591 0.454

26

146 150 0.609 0.467

27

151 155 0.623 0.476

28

156 160 0.634 0.483

29

161 165 0.644 0.488

30

166 170 0.652 0.491

31

171 175 0.660 0.494

32

176 180 0.666 0.495

33

181 183 0.675 0.500

34 "

1 Renumber the remaining sections consecutively and correct internal
2 references accordingly.

3

4 On page 25, after line 29, insert the following:

5 "Sec. 8. RCW 26.19.050 and 2005 c 282 s 37 are each amended to
6 read as follows:

7 (1) The administrative office of the courts shall develop and
8 adopt worksheets and instructions to assist the parties and courts in
9 establishing the appropriate child support level and apportionment of
10 support. The administrative office of the courts shall develop and
11 adopt a worksheet for calculating residential credit that is
12 consistent with the intent set forth in section 1 of this act. The
13 administrative office of the courts shall attempt to the greatest
14 extent possible to make the worksheets and instructions understandable
15 by persons who are not represented by legal counsel.

16 (2) The administrative office of the courts shall develop and
17 adopt standards for the printing of worksheets and shall establish a
18 process for certifying printed worksheets. The administrator may
19 maintain a register of sources for approved worksheets.

20 (3) The administrative office of the courts should explore methods
21 to assist pro se parties and judges in the courtroom to calculate
22 support payments through automated software, equipment, or personal
23 assistance."

24

25 Renumber the remaining section consecutively and correct the
26 title.

27

28

EFFECT: Provides that the court must make an adjustment to the
standard calculation, rather than a deviation, where there is a
shared residential schedule for a child. There must be a court
order or administrative law judge findings regarding the number of
overnights, which must be equivalent to at least 14 percent of the
annual overnights. The adjustments must be made based on a new
table and a formula set forth in a worksheet for calculating
residential credit, which must be developed by the AOC consistent

with the intent of the workgroup. An adjustment may not be made if: (1) it would result in insufficient funds to the receiving household to meet the basic needs of the child; (2) the obligee's net income before receiving child support is at or below 125 percent of the federal poverty guidelines for one person; or (3) the child is receiving temporary assistance for needy families.

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